

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-22 are pending in this application.

In the outstanding Office Action, the claims were objected to due to informalities; Claims 1-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kikuchi et al. (U.S. Patent Publication No. 2002/0010740; hereinafter “Kikuchi”) in view of Asahi et al. (U.S. Patent Publication No. 2002/0114455; hereinafter “Asahi”) and Okada et al. (U.S. Patent No. 6,560,404; hereinafter “Okada”).

Initially Applicants note that an interview was conducted with Examiner Quader on August 4, 2010, during which time we discussed amending Claim 1 to recite “notification information respectively to the page information that displays on the display unit whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively play audibly and/or visually the retrieved contents in the list information.” The Examiner stated that this amendment (and similar amendments to the other independent claims) would distinguish over the cited references. However, Applicants note that the outstanding Office Action maintains the previous rejection by citing the same portions of the same references and disregards the agreement that was reached in the interview.

In response to the rejection of Claims 1-22 under 35 U.S.C. § 103(a) as unpatentable over Kikuchi in view of Asahi and Okada, Applicants respectfully request reconsideration of the rejection and traverse the rejection as discussed next.

Applicants’ independent Claim 1 is directed to a communication apparatus including, *inter alia*:

...a processor;

reception means for receiving a retrieval keyword, used to request contents, transmitted from an external device;

retrieval means for retrieving contents from a database based on the retrieval keyword received by the reception means;

page information generation means for generating page information, including list information of the contents retrieved by the retrieval means, to be displayed on a display unit of the external device, and appending and displaying on the display unit notification information respectively to the page information that displays on the display unit whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively play audibly and/or visually the retrieved contents in the list information; and

transmission means for transmitting the page information generated by the page information generation means to the external device.

By way of background, in a non-limiting embodiment of Applicants' invention, Figure 7 shows a flow chart indicative of the processing of a music delivery server 33 in transmitting a table of tune list names. When receiving a retrieval keyword from the terminal device 10, in step S31, the music delivery server 33 accesses a database using the retrieval keyword. The music delivery server 33 proceeds to step S33 when there exists tune lists which match the retrieval keyword, and the server proceeds to step S39 when there exists no tune list. In step S33, the music delivery server 33 reads out information of one tune list out of the matching tune lists from a database. For example, the music delivery server 33 reads out the name (title of a CD album etc.) of the tune list, information indicating whether or not sample data of recorded tunes exists, and information indicating whether or not the sample data can be consecutively reproduced (i.e. continuously played).¹

In order to judge the possibility of the consecutive reproduction of tunes, a flag indicative of the possibility of the consecutive reproduction may be correspondingly stored in respective tune lists to make reference to the flag in the processing of step S33. Otherwise,

¹ See page 25, lines 8-21 of the specification.

information of respective tunes in a read out tune list may be scanned to judge that the consecutive reproduction is possible in case sample data is prepared for plural tunes. Based on the judgment, in step S34, the processing proceeds to step S35 in case the consecutive reproduction is possible for the tune list, and proceeds to step S36 in case the consecutive reproduction is impossible. In step S35, the value of a consecutive reproduction flag indicative of the possibility of the consecutive reproduction is set to be “1”. On the other hand, in step S36, the value of the consecutive reproduction flag is set to be “0.”²

In step S38, to the list names of the respective tune lists which are processed in step S33 to step S37, the music delivery server 33 appends corresponding consecutive reproduction flags to generate transmission data, and transmits thus generated transmission data to the terminal device 10. Next, Applicants' Figure 8 shows an example of *a screen display that displays retrieved tune list names in the form of a table*. Receiving the data generated in the processing of Figure 7, the terminal device 10 displays a screen as shown in Figure 8. This is an example of a screen obtained when the terminal device 10 displays tune list names which match the retrieval keyword in the form of a table. On the display unit 171 in Figure 8, *names of the retrieved tunes lists are displayed in the form of a table, and in case there are some tune lists which are provided with the consecutive reproduction function, an icon 172 indicating that the consecutive reproduction is possible is displayed next to the tune lists, respectively*. The **icon 172** is displayed for only tunes lists whose consecutive reproduction flag value from the music delivery server 33 is “1.”³

Thus an advantageous feature of Applicants' display screen in Figure 8 is that the user is able to find tune lists whose tunes can be consecutively reproduced (i.e. played) in one easy view. Accordingly, the user does not carry out the operation of returning to an original page or switching to a different page after finding that the experimental listening is impossible

² See page 25, line 22 to page 26, line 7 of the specification.

³ See page 26, line 22 to page 27, line 7 of the specification.

when the page switches from a page displaying tune lists in the form of a table to a page displaying the contents of a tune list after selecting the tune list from the table. Especially, the convenience is improved for the user who performs the retrieval so as to experimentally listen to tunes.⁴

Turning now to the applied references, as acknowledged during the interview of September 30, 2009 and August 4, 2010 Kikuchi fails to describe “appending notification information” and “consecutively reproduced audibly and/or visually part of the retrieved contents included in list information.” In an attempt to remedy the above-identified deficiency of Kikuchi, the Office Action of May 20, 2010 cites Asahi. However, Asahi fails to teach or suggest “generating page information, including list information of the contents retrieved by the retrieval means, to be displayed on a display unit of the external device, and *appending and displaying on the display unit notification information respectively to the page information that displays on the display unit whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively play audibly and/or visually the retrieved contents included in the list information,*” as recited in Applicants’ independent Claim 1.

As explained during the interview, Asahi is directed to generating a plurality of *copies of encoded digital content* of different levels of quality, using encryption to limit the usable encoded digital content of each copy, and combining the encrypted copies to generate a set of encrypted encoded digital content.⁵ However, Asahi does not describe the *displaying of notification information on a display unit* that indicates whether an external device can consecutively *play* audibly and or visually retrieved contents included in a list of information, as in Claim 1.

⁴ See page 27, lines 12-21 of the specification.

⁵ See paragraph [0022] of Asahi.

Page 4 of the Office Action of May 20, 2010 asserts that Asahi describes “appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Asahi: paragraph [0027], lines 1-17, “successive copy of digital content is being produced.””

Applicants respectfully disagree.

Paragraphs [0026] and [0027] of Asahi state:

The encoder 314 converts the input from the selector 319 to produce ***one or more copies of encoded digital content*** on the basis of the one or more encoding parameters input from the encoding parameter generator 315 and outputs the encoded content which is then supplied to the encryption mechanism 316. Each copy of encoded digital content supplied to the encryption mechanism 316 is an encoded version of the digital content received at the digital content input 201 that has been encoded based on the encoding parameter.

In one embodiment, the encoder 314 applies each of the one or more encoding parameters to the input received from the encoding parameter generator 315 to produce the one or more copies of encoded digital content. ***Alternatively, each successive copy of encoded digital content may be produced from a preceding copy of encoded digital content. Thus, for example, a first encoding parameter is applied to the input received from the encoding parameter generator 315 to produce a first copy of encoded digital content.*** Next, a second encoding parameter is applied to the first copy of encoded digital content to produce a second copy encoded digital content. A third encoding parameter is applied to the second copy of encoded digital content to produce a third copy of encoded digital content, and so on. Variations of this alternative are possible; for example, the same encoding parameter can be used to produce the second and third (and subsequent) encoded digital content (Emphasis added).

However, paragraph [0027] of Asahi merely describes that an encoder 314 applies one or more encoding parameters to an input received from an encoding parameter generator 315 to ***produce*** one or more copies of ***encoded digital content***. Asahi also describes that each successive copy of encoded digital content may be produced from a preceding copy of

encoded digital content. Thus, Asahi at paragraph [0027] merely describes *producing multiple digital copies* of encoded digital content. In other words, Asahi describes *producing* (i.e. generating and creating multiple copies) of digital content, whereas Claim 1 recites *displaying* of notification information on a display unit that indicates whether an external device can *consecutively play audibly and or visually* retrieved contents included in a list of information, as in Claim 1. Asahi does not describe the displaying of notification information, or the displaying of a list of contents on a display unit. Also, in Asahi, the encoding parameters facilitate the copying of digital contents, but the encoding parameters *are not notification information* that *display* whether page information (including list information of contents that have been received) can be consecutively *played audibly and/or visually*.

Accordingly, Applicants respectfully submit that independent Claim 1 (and all claims depending thereon) patentably distinguishes over Kikuchi and Asahi. Further, Applicants respectfully submit that Okada fails to cure any of the above-noted deficiencies of Kikuchi and Asahi.

In regard to dependent Claim 2, Claim 2 recites:

...during a period of time when respective items in the list information are selected in turn, and part of contents related to the selected items is transmitted to the external device for reproduction respectively, the page information generation means *appends notification information, which is an icon that displays that the part of contents is being consecutively reproduced*, respectively to the page information.

As described above, Asahi does not describe the displaying of notification information, or the displaying of a list of contents. Thus, Asahi also does not describe the displaying of *an icon that is appended to content lists*, the icon visually indicating whether a list of contents are being consecutively reproduced.

Hence, Applicants respectfully submit that Claim 2 is patentable.

Independent Claims 8 and 9 are directed to a communication method and a computer readable medium, respectively, and recite, *inter alia*,

... displaying the generated page information and the notification information on a display unit of the external device.

Thus, Applicants respectfully submit that independent Claims 8 and 9 (and all claims depending thereon) are patentable for at least the reasons discussed above.

Independent Claim 10 is directed to communication apparatus including, *inter alia*:

... page information reception means for receiving page information, including list information of contents, to be displayed on a display unit of the external device and displaying on the display unit notification information indicating that part of respective contents included in the list information can be consecutively played audibly and/or visually, which are transferred from the external device in answer to the request information requesting the list information

Thus, Applicants respectfully submit that independent Claim 10 (and all claims depending thereon) is patentable for at least the reasons discussed above.

Independent Claims 17 and 18 are directed to a communication method and computer readable storage medium, respectively, including the step of

... receiving page information, including list information of contents, to be displayed on a display unit of the external device and displaying on the display unit notification information indicating that part of respective contents included in the list information can be consecutively played audibly and/or visually, which are transferred from the external device in answer to the request information requesting the list information

Thus, Applicants respectfully submit that independent Claims 17 and 18 are patentable for at least the reasons discussed above.

Independent Claim 19 is directed to a communication apparatus that retrieves contents and provides thus retrieved contents, including

... a page information generation unit configured to generate page information, including list information of contents

retrieved by the retrieval unit, to be displayed on a display unit of the external device, and appending and displaying on the display unit notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively play audibly and/or visually part of the retrieved contents included in the list information respectively to the page information....

Applicants respectfully submit that independent Claims 19 is also patentable for at least the reasons discussed above.

In regard to Claim 22, Claim 22 recites that “the notification information includes text.” Page 23 of the outstanding Office Action asserts that paragraph [0148] of Kikuchi, which is a description of Figure 11, describes the above feature because this figure shows “a screen for displaying includes a table with text information.” Applicants respectfully disagree. Figure 11 of Kikuchi shows a table that includes a serial number 1101, a music identification number 1102, a trial listen request button 1103, a genre 1104, a title 1105, an artist 1106, a composer 1107, and a lyricist 1108.

As described above, the cited references fail to describe appending and displaying on the display unit **notification information** respectively to the page information that displays on the display unit whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively play audibly and/or visually the retrieved contents in the list information. As the cited references fail to describe the claimed notification information, the cited references also fail to describe that the notification information includes text. The fact that Figure 11 of Kikuchi shows a “table with text information” is irrelevant, because the text information that is displayed is not part of notification information that is appended respectively to information provided with a consecutive reproduction function of making the external device consecutively play audibly and/or visually the retrieved contents in the list information. In contrast, in a non-limiting

embodiment of Applicants' invention shown in Figure 9, the displayed notification information 172 includes text information that states "consecutive reproduction is possible."

Thus, Applicants respectfully submit that Claim 22 is patentable.

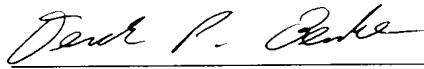
Accordingly, Applicants respectfully request that the rejection of Claims 1-22 under 35 U.S.C. §103(a) as unpatentable over Kikuchi in view of Asahi and Okada be withdrawn.

Consequently, in view of the above comments, it is respectfully submitted that the outstanding ground for rejection has been overcome and that Claims 1-22 patentably define over the prior art. Claims 1-22 are therefore believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Since Applicant has not substantively amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action.**

Respectfully submitted,

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